

SIXTY-SEVENTH DAY
(Tuesday, May 12, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Dick Russell, First Christian Church, Breckenridge, offered the invocation as follows:

Almighty God our Father, we acknowledge Thy rule over all the affairs of man, so we invoke Thy blessing upon this house of government this day. We pray for every member of this body, in gratitude for dedication of mind and heart, energy and industry to the common good of our state and nation. We pray mindfully of Thy working not only through our individual lives but also through those institutions possessing both the power and opportunity to shape the direction and progress of our social order. May we remain trusting in that creative working which may always evolve through an openness to difference of opinion and balance of interest to yet serve an even greater good. Grant Thy wisdom to those entrusted with the difficult task of being responsive to many while yet seeking justice for all. Grant Thy leading with those who must deal with laws made necessary for order and yet within which all are to find a pursuit of life. Whether in positions of government or as citizens of this state and nation keep us dedicated to that which will add to a greater quality of life and a stronger fiber as a people. May we work together within a climate of respect for and responsibility to every rightful authority upon our lives. In this may we indeed find true freedom to strive for that which Thou dost will for us. In Thy name we pray, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
May 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 181, Honoring the Life of George H. Hermann.

S.C.R. 106, Recalling **S.B. 425** from the Senate Enrolling Clerk for further consideration.

S.B. 265, Relating to the appellate courts of the state increasing the membership of certain courts, and making provisions relative to the appellate and trial courts and the appeal of criminal cases. (With amendments)

H.B. 618, Relating to the application of the Professional Prosecutors Act to the offices of certain attorneys.

H.B. 621, Relating to a sales and use tax exemption for student publications of public kindergartens and primary and secondary schools.

H.B. 669, Relating to the use of engine safety switches on motorboats.

H.B. 753, Relating to the division of certain property in a suit for divorce or annulment.

H.B. 927, Relating to the punishment for the offense of arson.

H.B. 1041, Relating to payment of certain conference expenses and a proper title for retired judges.

H.B. 1394, Relating to reverse annuity mortgages.

H.B. 1498, Relating to River Authority Directors—fees and expenses.

H.B. 1526, Relating to the lease of certain state-owned land for developing oil and gas.

H.B. 1569, Relating to the establishment of the Texas Water Bond Guaranty Program to guarantee certain bonds of political subdivisions issued for water-related purposes.

H.B. 1884, Relating to supplemental appropriations to Texas Southern University.

H.B. 1947, Relating to an appropriation to Pan American University.

H.B. 2102, Relating to the conservation of endangered, threatened, or protected native plants.

H.B. 2264, Relating to a code of conduct for employees of state agencies who inspect and survey health care facilities.

H.B. 2330, Relating to creating a conservation and reclamation district without taxing power to be known as Graham Water Supply District over a part of Young County, Texas; providing and limiting the powers of such district.

H.B. 2350, Relating to allocation of the state ceiling on certain housing bonds.

The House has adopted the Conference Committee Report on **S.B. 205** by a non-record vote.

S.C.R. 109, Recalling **S.B. 418** to the House for further consideration.

H.C.R. 163. Congratulating Raul Jiminez, Sr.

H.C.R. 180, In memory of former State Representative Joe Skiles.

The House has adopted the Conference Committee Report on **S.B. 126** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 345

Senator Brown, Acting Chairman, submitted the following report for the Committee on Human Resources:

H.B. 2046 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 2168
H.B. 1345
H.B. 979

Senator Brown, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.C.R. 47 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

C.S.S.B. 1089 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 634 (Amended)
H.C.R. 87
H.J.R. 103
H.B. 228
H.B. 1030
H.B. 1054
H.B. 1183 (Amended)
H.B. 1192 (Amended)
S.B. 289
S.B. 696
S.B. 990
S.B. 1154 (Amended)
S.B. 1126
S.B. 1112
S.B. 1111

C.S.S.B. 1042 (Read first time)
C.S.S.B. 994 (Read first time)
C.S.S.B. 825 (Read first time)
C.S.H.B. 2090 (Read first time)

Senator Jones submitted the following report for the Committee on Finance:

S.B. 1128
H.B. 872 (Amended)
H.B. 189
C.S.H.B. 903 (Read first time)
C.S.S.B. 981 (Read first time)
C.S.H.B. 254 (Read first time)
C.S.H.B. 656 (Read first time)

(Senator Parker in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Mengden and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1265 by Mengden State Affairs
Relating to the periodic termination of state agency rules.

S.B. 1266 by Wilson Natural Resources
Relating to hunting on and around Stillhouse Hollow Reservoir in Bell County; providing a penalty.

S.B. 1267 by Brown Intergovernmental Relations
Relating to increasing the maximum hotel occupancy tax for cities bordering the Gulf of Mexico under 75,000 population according to the last Federal Census to seven percent and to the disposition of revenue from the tax; amending Sections 3a and 3c(b), Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 1270 by Travis State Affairs
Relating to special license plates for disabled veterans.

S.B. 1271 by Brooks Human Resources
Relating to transfer and discharge of Texas Department of Mental Health and Mental Retardation clients.

S.J.R. 55 by Vale Education
Amending the constitution to repeal the state ad valorem tax and to provide for building programs at state institutions of higher education.

S.R. 604 by Brown Natural Resources
Directing the Committee on Natural Resources to study problems relating to flooding and domestic water supply shortage in the Texas Gulf Coast region.

S.C.R. 110 by Truan Administration
Granting Jose R. Villarreal permission to sue the State.

S.C.R. 111 by Brooks Human Resources
Creating an interim committee to make a study of the Texas Mental Health Code for submission to the 68th Texas Legislature.

S.C.R. 113 by Blake Administration
Granting Buckner Construction Company permission to sue the State.

S.C.R. 114 by Blake Administration
Granting Buckner Construction Company permission to sue the State.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 1161**, To Committee on Economic Development.
- H.B. 805**, To Committee on State Affairs.
- H.B. 586**, To Committee on Human Resources.
- H.B. 601**, To Committee on Education.
- H.B. 696**, To Committee on Finance.

CO-AUTHOR OF SENATE BILL 289

On motion of Senator Mauzy and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 289**.

GUESTS PRESENTED

Senator Parker introduced a delegation from the House of Representatives of Louisiana: Representatives Sam Theriot, Conway LeBleu, Mike Hogan and Ted Haik, Jr.

These gentlemen were welcomed as guests of the Senate today.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 12, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TRINITY RIVER AUTHORITY OF TEXAS:

For a six-year term to expire March 15, 1987:

TOMMY W. HOLLIS of Coldspring, San Jacinto County, will be replacing **Larry Browder** of Coldspring, San Jacinto County, who resigned.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF:

For a six-year term to expire January 31, 1987:

BEATRICE GROGINSKI of Bellaire, Harris County, is being reappointed. (representing professionals serving deaf)

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 11, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE; REGULAR SESSION:

Pursuant to Article III, Section 5 of the Constitution of Texas, I hereby submit as an emergency matter the following:

- 1). The authority of the State Board of Insurance to effectively regulate the credit life and credit accident and health insurance marketed in this State is inadequate. The normal forces of the market place which stimulate healthy competition are lacking. Questions have been raised regarding the authority of the State Board of Insurance to adequately regulate compensation allowances for the sale, production, administration or servicing of credit life or credit accident and health insurance. Such concern has produced a marketing climate in which the insurer must often pay compensation allowances that are excessive in relation to the services rendered to place the business. This practice has precipitated a reverse competition spiral that the State Board of Insurance believes will result in insolvencies and less than desirable market conduct. I, as Governor, am asking the Legislature to take up and consider legislation which gives the State Board of Insurance specific authority to adopt rules that establish loss ratio benchmarks and presumptive premium rates and which govern the compensation allowances that may be paid for the sale, production, administration or servicing of credit life and credit accident and health insurance in this State. Therefore, I declare such legislation to be an emergency matter.

Respectfully submitted,

William P. Clements, Jr.
Governor

(President in Chair)

SENATE CONCURRENT RESOLUTION 112

Senator Doggett offered the following resolution:

S.C.R. 112, Commending the work of Mr. Jerome Chapman as Commissioner of the Texas Department of Human Resources.

DOGGETT
BROOKS

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

GUESTS PRESENTED

Senator Doggett was recognized and presented Mr. Chapman, seated at the President's Rostrum.

Senators Doggett and Brooks escorted the following members of Mr. Chapman's family to the Rostrum: Mrs. Doris Chapman, Mr. and Mrs. Pat Bailey, Mrs. Valerie Harkey, Mrs. Georgia Geyer, Lisa Geyer and Hank Smith.

Mr. Chapman was greeted with an expression of appreciation by the Members.

SENATE RESOLUTION 616

Senator McKnight offered the following resolution:

S.R. 616, Honoring Conrad Brady for his outstanding accomplishments and extending to him best wishes for many years of continued success.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator McKnight and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

Senator McKnight was recognized and presented Mr. Brady.

Senator McKnight and former Member, Senator Tom Creighton, escorted Mr. Brady to the President's Rostrum.

The President presented an enrolled copy of Senate Resolution 616 to Mr. Brady.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 205 ADOPTED

Senator Harris called from the President's table the Conference Committee Report on **S.B. 205**. (The Conference Committee Report having been filed with the Senate and read on Thursday, May 7, 1981)

On motion of Senator Harris, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE HOUSE BILL 656 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, **C.S.H.B. 656** was ordered not printed.

COMMITTEE SUBSTITUTE HOUSE BILL 889 ON THIRD READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.H.B. 889, Relating to the authority of the comptroller of public accounts to establish and operate an electronic funds transfer system for certain payees.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 12.

Yeas: Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Kothmann, Mauzy, McKnight, Mengden, Short, Snelson, Traeger, Truan, Uribe, Vale.

Nays: Andujar, Brooks, Howard, Jones, Leedom, Meier, Ogg, Parker, Richards, Santiesteban, Travis, Williams.

Absent: Sarpalius, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 784 ON THIRD READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 784, Regulating interest rates on life insurance policy loans; authorizing and setting guidelines for life insurers to utilize in providing for periodic adjustment of policy loan interest rates; amending Chapter 3, Insurance Code, as amended, by adding Article 3.44c; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Andujar, Brooks, Brown, Caperton, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Short, Snelson, Traeger, Travis, Uribe, Vale.

Nays: Blake, Doggett, Farabee, Glasgow, Howard, Mauzy, McKnight, Truan, Williams.

Absent: Sarpalius, Wilson.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 10.

Yeas: Andujar, Brown, Caperton, Harris, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Short, Snelson, Traeger, Travis, Uribe, Vale.

Nays: Blake, Brooks, Doggett, Farabee, Glasgow, Howard, Mauzy, McKnight, Truan, Williams.

Absent: Sarpalius, Wilson.

COMMITTEE SUBSTITUTE SENATE BILL 341 ON SECOND READING

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 341, Relating to standards for the employment of public school professional personnel.

(Senator Snelson in Chair)

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Snelson, Travis, Truan, Uribe, Vale, Williams.

Nays: Howard, Mengden, Traeger.

Absent: Sarpalius, Short, Wilson.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend **C.S.S.B. 341** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 13, Texas Education Code, as amended, is amended by adding Subchapter E to read as follows:

"SUBCHAPTER E. PROFESSIONAL EMPLOYMENT STANDARDS

"Section 13.251. **POLICY.** In order to maintain an effective system of public education, highly qualified professional educators must be attracted, retained, and stimulated to optimum performance. These objectives can be accomplished only if the employees are evaluated and retained on the basis of their performance of assigned teaching duties, afforded due process prior to termination, and protected against unjustifiable actions by the boards that employ them. It is the purpose of this subchapter to provide that evaluation of and protection for professional educators employed in the public schools in the State of Texas by providing for evaluation and guaranteeing due process. This subchapter does not establish or grant tenure to any teacher.

"Section 13.252. **DEFINITIONS.** In this subchapter:

"(1) 'Board' means the board of trustees of a school district.

"(2) 'Teacher' means a person employed in a professional capacity by a board to instruct, supervise, administer, or direct an educational program but does not include a superintendent, an assistant superintendent, an associate superintendent, or another executive officer of equivalent rank.

"(3) 'Teacher organization' means an organization, agency, committee, council, or group of any kind in which teachers participate and which exists for the purpose, in whole or in part, of conferring, discussing, and consulting with a board over the terms and conditions of professional service and other matters of mutual concern.

"(4) 'Dismissal' means an involuntary termination or interruption of the employment relationship between a teacher and the employing board during the term of the teacher's contract when such teacher is employed by contract under Section 23.28 of the Texas Education Code.

"(5) 'Nonrenewal' means a failure to reemploy a teacher after the expiration of his or her contract at the end of such contract's term.

"(6) 'Termination' means a dismissal or a nonrenewal.

"(7) 'Demotion' means an involuntary reduction of a teacher to a position of lesser rank, responsibility, or compensation or reassignment of a teacher to a position outside the scope of the teacher's teaching certificate or major or minor field of study.

"Section 13.253. EVALUATION PROCEDURE. (a) Each board by resolution or directive, after availing itself of the advice of its practicing classroom teachers, shall adopt a procedure for evaluating the performance of its teachers. The board may include the procedure in a written agreement with a recognized teacher organization. At a minimum, the procedure shall:

"(1) provide for the preparation of periodic written evaluation reports by appropriate supervisors;

"(2) afford the teacher an opportunity to review each evaluation report and submit a written response to it, which response shall be attached to the report;

"(3) include the criteria and guidelines to be used in determining whether or not to terminate a teacher's contract; and

"(4) provide for at least one evaluation during the time a teacher is employed on a probationary contract or during the term of the teacher's contract.

"(b) The procedures adopted under this section must comply with Section 13.254 of this code. The board shall provide a copy of the procedures to the Central Education Agency and to each teacher at the time of initial employment.

"Section 13.254. BASIS FOR TERMINATION OR DEMOTION. (a) A teacher may not be dismissed or demoted other than for gross immorality; conviction of any felony or other crime involving moral turpitude; drunkenness, failure to comply with official directives and established board policy, or neglect of duties; physical or mental incapacity preventing performance of the contract of employment; or a pattern of conduct that relates to the ineffective performance of assigned teaching duties or to the ineffective operation of the school system. A demotion at the expiration of the teacher's contract may occur if there is a substantial and unavoidable need to require a reduction or realignment of the teaching staff.

"(b) A teacher's contract may not be nonrenewed arbitrarily, capriciously, discriminatorily, or because of the exercise of a legally protected right.

"Section 13.255. NOTIFICATION OF DEFICIENCIES. Except in cases of exceptionally serious misconduct which directly interfere with the

operation of the school system, a board may not terminate or demote a teacher unless the teacher was previously notified in writing of the specific deficiencies and given assistance and a reasonable period of time to correct the specified deficiencies and to show adequate improvement. If the teacher fails to correct the deficiencies within the time allotted, the board shall notify the teacher in writing.

"Section 13.256. NOTICE OF TERMINATION OR DEMOTION; RIGHT TO HEARING. (a) The board, by certified mail, return receipt requested, shall send a written notice, signed by the president of the board, of its intention to dismiss a teacher employed on a term contract, nonrenew a teacher's contract, or demote a teacher. In the case of a nonrenewal, the notice shall be sent on or before April 1 of the same year in which the contract expires. The notice shall:

"(1) advise the teacher of the proposed action and the date on which it is to become effective;

"(2) contain a clear and detailed statement of the reasons for the proposed action, including the time and place of any particular incidents or acts alleged;

"(3) indicate the portion or portions of any rules of the school system alleged to have been violated;

"(4) inform the teacher of rights under this subchapter, including the right to a hearing; and

"(5) set forth the name, address, and telephone number of a representative of the board to notify if a hearing is requested.

"(b) If a teacher wishes to challenge the proposed action of the board, the teacher shall file with the board a written request for a hearing. The request must be filed not later than the 10th day after the day on which the teacher received notice.

"Section 13.257. STATUS OF TEACHER AFTER NOTICE. (a) Except as provided by Subsection (b) of this section, if a teacher requests a hearing under Section 13.256 of this code, the board shall keep the teacher in his or her teaching assignment until the assignment ends or until the board renders a decision, whichever occurs first.

"(b) A board may remove a teacher from an assignment if the removal is necessary for the effective operation of the school system.

"(c) If a teacher does not request a hearing under Section 13.256 of this code, the board shall:

"(1) keep the teacher in his or her teaching assignment until the assignment ends or for 10 days after the last date for filing a request for a hearing, whichever occurs first; or

"(2) remove the teacher and grant pay for the time that the teacher would have worked.

"Section 13.258. HEARINGS. (a) The president of the board shall fix a mutually agreeable time and place for the hearing, which shall be not later than the 30th day after the day on which the board receives the request. If a record of the hearing is requested by one or more of the parties, the president of the board shall arrange for an official transcript of the hearing.

"(b) The board shall inquire fully into the facts as they relate to the matter of the hearing.

"(c) The hearing shall be closed to the public unless the teacher requests a public hearing, and the hearing shall be confined to the reasons given in the notice for termination or demotion.

"(d) The teacher is entitled to appear at the hearing in person, by counsel, or by other representative; to call, examine, and cross-examine relevant witnesses; and to introduce into the record relevant documentary or other

evidence. The president of the board shall issue a subpoena on application by either party and a showing of general relevance and reasonable scope.

"(e) Testimony may not be given or evidence introduced if it is not relevant or material to the allegations set forth in the notice or if it is based on procedures not in compliance with Sections 13.253 through 13.255 of this code.

"(f) Evidence detrimental to a teacher's conduct, service, character, or personality may not be introduced as a basis for termination or demotion unless the evidence was called to the attention of the teacher promptly after the board knew or reasonably should have known of its existence and unless the teacher was given an opportunity to respond to or rebut it.

"(g) The teacher or the teacher's representative is entitled, on request, to a reasonable period for oral argument prior to the close of the hearing.

"(h) The teacher or the teacher's representative is entitled, on request made before the conclusion of the hearing, to file a written brief. The board shall fix a reasonable time for that filing not later than the 20th day after the last day of the hearing unless otherwise agreed to by the parties.

"(i) The board shall promptly render a decision. Unless otherwise agreed by the parties, the board shall render the decision not later than the 30th day after the last day of the hearing or, if an oral hearing has been waived, after the date of transmitting the final statements and proofs to the board. A majority of the board members must agree on a decision before the decision is rendered.

"(j) The decision of the board must be in writing, be based on the record of the hearing, and set forth findings of fact, reasoning, and conclusions on the issues submitted. The board shall take remedial action appropriate to effect the purposes of this subchapter, including:

"(1) reinstatement of a teacher;

"(2) payment of last salary, benefits, or other compensatory damages; or

"(3) sustaining the nonrenewal action in question.

"(k) A board may not require the commission of an act prohibited by law. The decision of the board shall be submitted to the teacher and is final and binding unless appealed to a court in the manner provided for appeal of contested cases under the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), except that the court may award attorney's fees and punitive damages when the court finds the board acted in bad faith in rendering an arbitrary or capricious decision."

SECTION 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This Act takes effect on September 1, 1981.

SECTION 4. The importance of this legislation and the crowded condition of the calendars of both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Jones offered the following amendment to the pending amendment:

Amend C.S.S.B. 341 by adding a new subsection L.

To provide

In the event of an appeal to a court as provided herein the court may award attorneys' fees and costs to a school board whose decision is upheld in the court.

The amendment to the pending amendment was read.

Senator Caperton moved to table the amendment to the pending amendment.

The motion was lost by the following vote: Yeas 15, Nays 16.

Yeas: Brooks, Caperton, Doggett, Glasgow, Kothmann, Mauzy, McKnight, Ogg, Parker, Santiesteban, Truan, Uribe, Vale, Williams, Wilson.

Nays: Andujar, Blake, Brown, Farabee, Harris, Howard, Jones, Leedom, Meier, Mengden, Richards, Sarpalius, Short, Snelson, Traeger, Travis.

The amendment to the pending amendment was adopted.

RECORD OF VOTE

Senator Mauzy asked to recorded as voting "Nay" on the adoption of the amendment to the pending amendment.

Question recurring on the adoption of the pending amendment as amended, the pending amendment as amended was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 341 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mengden.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Subcommittee on Nominations might consider tomorrow the nomination of Raymon Bynum to be Commissioner of State Board of Education.

MESSAGE FROM THE HOUSE

House Chamber
May 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 467, Relating to students eligible for admission to public schools.

H.B. 951, Relating to suits affecting the parent-child relationship and to the rights, duties, privileges, and powers of parties and attorneys in those suits.

H.B. 1090, Relating to the collection of state and local hotel occupancy taxes.

H.B. 2214, Relating to the deposit in interest-bearing accounts of certain fees collected for the state by counties.

H.B. 459, Relating to student representation on the board of regents of the University of Texas System.

S.B. 550, Relating to the licensing and regulation of pilots, pilotage rates, pilot services and pilot boats. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 706 ON SECOND READING

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 706, Relating to the nonpartisan nomination and election of certain judicial officers; providing a penalty.

The motion was lost by the following vote: Yeas 17, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Andujar, Blake, Brooks, Brown, Farabee, Glasgow, Harris, Howard, Jones, Meier, Parker, Richards, Sarpalius, Short, Snelson, Travis, Wilson.

Nays: Caperton, Doggett, Kothmann, Leedom, Mauzy, McKnight, Ogg, Santiesteban, Traeger, Truan, Uribe, Vale, Williams.

Absent: Mengden.

GUESTS PRESENTED

Senator Sarpalius was recognized and introduced Mr. and Mrs. Roy Turner of Amarillo and Mr. and Mrs. Tom Wilson of Fort Worth.

They were welcomed as guests of the Senate today.

COMMITTEE SUBSTITUTE SENATE BILL 730 ON SECOND READING

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 730, Relating to reallocation of payments from the mixed beverage tax clearance fund and the expenditure by the state of a portion of money received from the fund.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 730 ON THIRD READING

Senator Wilson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 730** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Leedom.

Absent: Mengden.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 452 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 452, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; providing for severability; repealing laws in conflict; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 452 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 452** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Mengden.

The bill was read third time and was passed.

MOTION TO PLACE SENATE BILL 991 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 991, Relating to notice requirements, violations, and the requirement to keep minutes under the open meetings law.

There was objection.

Senator Parker then moved to suspend the regular order of business and take up **S.B. 991** for consideration at this time.

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving two-thirds vote of Members present)

Yeas: Andujar, Brooks, Caperton, Doggett, Farabee, Glasgow, Kothmann, Mauzy, Ogg, Parker, Santiesteban, Sarpalius, Short, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Harris, Howard, Jones, Leedom, Meier, Mengden, Snelson, Travis.

Absent: McKnight, Richards.

MESSAGE FROM THE HOUSE

House Chamber
May 12, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 518, Relating to the administration of social service programs authorized by federal law.

H.B. 760, Relating to the regulation of mass gatherings and outdoor festivals.

H.B. 795, Relating to the appointment of assistant and deputy police chiefs in certain cities.

H.B. 1444, Relating to the legal rate of interest if the parties to a contract do not agree on a specified rate.

H.B. 2206, Relating to the status of adult probation department personnel as state employees for certain purposes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
May 12, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF CORRECTIONS:

For a six-year term to expire February 15, 1987:

OTHAL E. BRAND of McAllen, Hidalgo County, is replacing Freeman B. Dunn of Houston, Harris County, who resigned.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY:

For a six-year term to expire January 31, 1987:

WILLIAM H. QUIMBY of Dallas, Dallas County is replacing Andrew Jitkoff of San Antonio, Bexar County, who resigned. (representing public member)

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

MEMORIAL RESOLUTIONS

S.R. 623 - By Snelson: Memorial resolution for William F. (Bill) Newby.

S.R. 624 - By Snelson: Memorial resolution for Mrs. Rubee Mabee.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 107 - By Short: Extending congratulations to the City of Odessa on its 100th anniversary.

S.C.R. 108 - By Doggett: Recognizing Burnet as the Bluebonnet Capital of Texas.

S.R. 613 - By Sarpalius: Extending welcome to Alexis Ann Wilson, "Honorary Page" for the day.

S.R. 614 - By Sarpalius: Extending welcome to Monica Elise Wilson, "Honorary Page" for the day.